REMARKS

Applicants appreciate the detailed comments of the Examiner.

The present Office Action has allows claims 33 to 46 inclusive. These claims are represented herein. The present Office Action has rejected claim 47 on the basis of anticipation and claims 48 to 50 inclusive on the basis of obviousness. Applicants submit argument below to overcome the Office Action rejections.

Claim Rejection - 35 USC § 102

Claim 47 is rejected as being anticipated by Savord. Applicants have amended claim 47 to claim acoustic waves in the range of about 50 to about 200 Hz. Waves in this range are used to treat the patient. Savord, on the other hand, discloses the use of ultrasound waves for imaging purposes and not for the treatment of patients. Further, the ultrasound waves of Savord are at a different frequency and would not be useful for the treatment of patients as disclosed in the present application. Accordingly, Applicant respectfully submits that the amendment to claim 47 overcomes the rejection based on anticipation.

Support for the amendment can be found at paragraphs 41 and 42 of Applicants' application where it is stated that:

> [0041]Complex waveforms may be derived from multiple frequencies and these are limited in practice only by the performance characteristics of

the voice coil actuators. Precision audio voice coils 52 and 58 will typically operate in the range of 20 Hz to 40 KHz, as designed for stereo equipment and any complex waveform in that range may be produced and implemented in the ICID. The amplitude of the waveform is also selected by the practitioner and represents the impulse energy to be delivered during treatment. Maximum amplitude 96 and high end frequency are set for safety purposes. At present, the Latter is set at 200 Hz.

[0042]The sinusoidal waveform selected for the current invention increases linearly in frequency as a function of time, as shown in FIGS. 5 and 6. Because of its audio characteristic, this waveform is called a chirp. In the preferred embodiment of the invention, the chirp starts with one cycle at 50 Hz 90, followed by cycles at 51 Hz 92, 52 Hz 93, and so on up to 99 Hz 98 and 100 Hz 100. At that time, the frequency resets to 50 Hz and the process starts again. The result is a linear frequency ramp as a function of time, as shown in FIG. 6. With an average frequency of 75 Hz, reset will occur every 0.67 sec. The number of pulses delivered depends on the pulse duration set by the practitioner. This is calculated and known before starting treatment. The frequency ramp in FIG. 6 shows a large discontinuity 102, but this does not appear on the actual impulse waveform applied to the patient. The breakout, diagram on the right illustrates that the discontinuity 102 is just a small change in the slope of

the sine wave near the zero crossing, at the transition from 100 Hz to 50 Hz.

Claim Rejection - 35 USC § 103

Examiner has rejected claims 48-50 under 35 USC 103 (a) as being obvious to a skilled person in light of Savord. Claims 48 to 50 are dependent from amended independent claim 47 and represented herein. Applicant has amended claim 47 and contends that the amendment to claim 47 and the arguments presented above in support of the patentability of that claim thereby rendering the obviousness rejection moot. Savord discloses the use of ultrasound in imaging, and therefore in diagnostics and not treatment. The present technology is directed specifically to treatment of patients.

Conclusion

Applicants have amended their claim 47 to overcome the novelty objection raised in this Office Action. This amendment also overcomes the obviousness objection to claims 48 to 50. Applicants respectfully submit that the claims listed herein are in condition for allowance and request the same.

Respectfully submitted;

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